

SESSION OF 2005

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2503

As Amended by Senate Committee on
Public Health and Welfare

Brief*

The bill would establish standards for the operation of abortion clinics. An "abortion clinic" is defined in the Act as a facility in which five or more first trimester surgical abortions in any month or any second or third trimester abortions are performed. Abortion clinics would be required to obtain an annual license from the Department of Health and Environment. The Secretary of Health and Environment would be required to set the license fee in an amount sufficient to cover the costs of enforcement of the Act. The Department of Health and Environment also would be authorized to request a court to issue an injunction, restraining order, or other order to compel a facility to comply with the Act. Provisions of the bill would apply to abortion clinics along with any other applicable laws.

The bill would require the Secretary of Health and Environment to adopt rules and regulations applicable to abortion clinics. Those rules and regulations would cover:

- ! Standards for physical facilities;
- ! Standards for supplies and equipment;
- ! Types and qualifications of clinic personnel;
- ! Elements of medical screening and evaluation of patients;
- ! Elements and standards of the abortion procedure;
- ! Recovery room standards;
- ! Standards for follow-up visits;
- ! Incident reporting procedures (a reportable incident would be defined by the bill); and
- ! Elements of an internal risk management program.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

In addition:

- ! The Secretary would be required to make inspections and investigations of abortion clinics at intervals deemed necessary by the Secretary.
- ! Information received by the Secretary under the Act could not be disclosed in a manner that would result in identification of individuals. Patient medical information would be confidential.
- ! Under certain circumstances, the Secretary would be authorized to adopt rules and regulations establishing practice or technology standards as alternatives to those enumerated in the Act.
- ! The Department would be required to deny, suspend, or revoke a license if there has been a substantial failure to comply with the Act. Any action against a license or denial of a license would have to be done in accordance with the Administrative Procedure Act.

Background

At the House Health and Human Services Committee hearing, the bill was supported by Representative Peggy Mast, and representatives of Concerned Women for America of Kansas, the Kansas Catholic Conference, Kansans for Life, and the Women's Resource Center in Arkansas City. Opponents of the bill who presented testimony to the House Committee included representatives of Aid for Women in Kansas City, ProKanDo, the National Organization of Women, Planned Parenthood of Kansas and Mid-Missouri, and a physician.

The House Committee of the Whole amended the bill to include in the list of required rules and regulations for medical screenings at abortion clinics, a bi-annual, rather than a bimanual, examination of uterine size.

The Senate Committee amendment reverses the House Committee of the Whole change by substituting "bimanual" in referring to a medical procedure.

The fiscal note prepared by the Division of the Budget states that the Department of Health and Environment estimates the fiscal impact

of HB 2503 would be expenditure of \$291,118 from the State General Fund for the development of regulations, license inspections, conducting of surveys, and monitoring of facilities. The estimate includes \$156,000 for a physician consultant and \$78,000 for a birthing consultant, \$47,620 for 1.0 FTE administrative position, and \$9,498 for other operating expenditures. The two consultants would be paid on a contractual basis and the 1.0 FTE position would be needed to monitor compliance with the law and perform the required record-keeping duties. The fiscal effect of HB 2503 would be in addition to amounts recommended in *The FY 2006 Governor's Budget Report*.